

UNITED STATES DISTRICT COURT

for the
District of Oregon

FILED 29 JUN '17 13:25 USDC-ORP

Portland Division

SAMUEL W WANI

Case No. 3:17-cv-1011-YY
(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

George Fox University
PROVIDENCE MEDICAL GROUP
Dr. Thomas Croy MD

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

See attached

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	SAMUEL W WANI
Street Address	20520SE 416th Street
City and County	Enumclaw, King county
State and Zip Code	Washington
Telephone Number	98022
E-mail Address	Samuelwani@eagles.ewu.edu

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

73359

Defendant No. 1

Name	Dr. Thomas Croy MD
Job or Title <i>(if known)</i>	Orthopedic surgeon
Street Address	310 Villa RD Suit 108
City and County	Newberg , Yamhill County
State and Zip Code	Oregon 97132
Telephone Number	503-538-1405
E-mail Address <i>(if known)</i>	

Defendant No. 2

Name	Dominick Fix-Gonzalez
Job or Title <i>(if known)</i>	student at George Fox university
Street Address	414 N. Meridian St.
City and County	Newberg , Yamhill County
State and Zip Code	Oregon 97132
Telephone Number	503-538-8383
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	Gregg Boughton
Job or Title <i>(if known)</i>	Head Football Athletic Trainer
Street Address	414 N. Meridian St.
City and County	Newberg , Yamhill County
State and Zip Code	Oregon 97132
Telephone Number	Cell: 307-287-4361
E-mail Address <i>(if known)</i>	gboughton@georgefox.edu

Defendant No. 4

Name	Chris Casey
Job or Title <i>(if known)</i>	Head Coach, Defensive Line
Street Address	414 N. Meridian St.
City and County	Newberg , Yamhill County
State and Zip Code	Oregon 97132
Telephone Number	503-554-2936
E-mail Address <i>(if known)</i>	ccasey@georgefox.edu

Defendant No. 5

Name: John Bates

Job or Title (if known): Defensive Coordinator, Recruiting Coordinator, Defensive Backs

Street Address: 414 N. Meridian St.

City and County: Newberg, Yamhill County

State and Zip Code: Oregon 97132

Telephone Number: 503-554-2936

E-mail Address (if known): jbates@georgefox.edu

Defendant No. 6

Name: Ian Sanders

Job or Title (if known) Special Teams Coordinator, Linebackers, Equipment Administrator

Street Address: 414 N. Meridian St.

City and County: Newberg, Yamhill County

State and Zip Code: Oregon 97132

Telephone Number: 503-554-2939

E-mail Address (if known): isanders@georgefox.edu

Defendant No. 7

Name: Gabe Haberly

Job or Title (if known): Wide Receivers, Video Coordinator, Strength & Conditioning (Speed)

Street Address: 414 N. Meridian St.

City and County: Newberg, Yamhill County

State and Zip Code: Oregon 97132

Telephone Number: 503-554-2941

E-mail Address (if known) ghaberly@georgefox.edu

Defendant No. 8

Name: Craig Taylor

Job or Title (if known): Director of Athletics

Street Address: 414 N. Meridian St.

City and County: Newberg, Yamhill County

State and Zip Code: Oregon 97132

Telephone Number: 503-554-2911

E-mail Address (if known): ctaylor@georgefox.edu

Defendant No. 9

Name: Dave Johnstone

Job or Title (if known): Associate Dean of Students, Director of Residence Life

Street Address: 414 N. Meridian St.

City and County: Newberg, Yamhill County

State and Zip Code: Oregon 97132

Telephone Number: 503-554-2315

E-mail Address (if known): djohnsto@georgefox.edu

Defendant No. 10

Name: Mark Pothoff

Job or Title (if known): Dean of Students

Street Address: 414 N. Meridian St.

City and County: Newberg, Yamhill County

State and Zip Code: Oregon 97132

Telephone Number: 503-554-2313

E-mail Address (if known): mpothoff@georgefox.edu

Defendant No. 11

Name: Sarah Taylor

Job or Title (if known): NA, works for George Fox University though

Street Address: 414 N. Meridian St.

City and County: Newberg , Yamhill County

State and Zip Code: Oregon 97132

Telephone Number: 503-554-2313

E-mail Address (if known): mpothoff@georgefox.edu

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*



Federal question



Diversity of citizenship

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

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What is the basis for federal court jurisdiction? (*check all that apply*)

SW ☒ Federal question ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

362 Personal Injury -Medical Malpractice

360 Other Personal

U.S. Code § 1703 - Denial of equal educational opportunity prohibited

42 U.S. Code § 2000a - Prohibition against discrimination or segregation in places of public accommodation

18 U.S. Code § 1347 - Health care fraud

375 False Claims Act

31 U.S. Code § 3729 - False claims

Wrongful Disclosure of Individually Identifiable Health Information:

42 U.S.C. § 1320D-6(a)(Criminal Violations

41 U.S. Code § 6503 - Breach or violation of required contract terms

448 Education civil rights

440 Other Civil Rights

42 U.S.C. § 1983 alleging equal protection violation

Title IX Campus Discrimination

Title IV of the Civil Rights Act of 1964 prohibits discrimination in public schools because of race, color, or national origin

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, SAMUEL WANI, is a citizen of the State of Washington.

b. If the plaintiff is a corporation

The plaintiff, *(name)*, is incorporated under the laws of the State of *(name)*, and has its principal place of business in the State of *(name)*

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, *(name)*, is a citizen of the State of *(name)*. Or is a citizen of

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

b. If the defendant is a corporation

The defendant, **George Fox University**, is incorporated under **George Fox University** the laws of the State of *(name)* **Oregon**, and has its principal place of business in the State of *(name)* **Oregon**.

Or is incorporated under the laws of *(foreign nation)*, and has its principal place of business in *(name)*.

b. If the defendant is a corporation

2) The defendant, **Providence Medical Group** is incorporated under **Providence Medical Group** the laws of the State of *(name)*, **Oregon** and has its principal place of business in the State of *(name)* **Oregon**

Or is incorporated under the laws of *(foreign nation)*, and has its principal place of business in *(name)*.

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

\$40 million from George fox university and+ medical expenses and \$ 30 million from Dr. Thomas Croy MD and PROVIDENCE MEDICAL GROUP for a combined total of \$ 70 million. \$40 million from George Fox University+ my medical expenses had they not ended my football career due to their negligence in the treatment of my injury, the is the amount of money I would be making in a 6-8 year NFL career as a Defensive End or Outside Linebacker. I have also not been able to work due to my injured thumb from September 2015- mid April 2016 December 19, 2016- present (June 27, 2017) if I were working making the average salary I have been getting paid as a personal trainer/sports performance coach (\$25-\$35 hour) I would have been able to make \$ 89,600 in the time I missed from work due to my injury. That's money I want paid to me

Living expenses: I have spent roughly \$ 36,000 on living expense since my injury; I have had to take out big loans from school in order to be able to survive without working. That's money that I want paid back

to me. In order to stay in football shape, I have spent a lot of money on food, camps, training and supplements through the years and given up a lot of opportunities in order to be able to live out my dreams of playing pro football, which I don't get to do now. \$ 30 million from Dr. Thomas Croy MD and PROVIDENCE MEDICAL GROUP. For his role in Fraud and falsifying my x-ray and medical records so that his clients George fox university would not have to pay for my medical expense living me permanently unable to play football and causing a lot of pain and suffering in my life as a result.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

1) Cyber bullying, racial verbal harassment: (Emotional pain and suffering) Dominick Fix-Gonzalez (cyber bullying Aug.. 27th, 2015), creating the picture that compared me to a toilet mop, altering my skin color to make me look supper black and saying that " he had to make me extra crispy by giving me some extra vitamin D" basically making me so black that I looked burnt. The cyber bullying and racial discrimination created a hostile environment for me at school and football, given that Dominick Fix-Gonzalez and I were teammates, I was humiliated and emotionally hurt and I am still hurting as a result. It was also one of the two reasons I had to leave the university and quit the team. Coach, Chris Casey, John Bates, Ian Sanders, Gabe Haberly for not reporting the cyber bullying incident to administration in a timely manner they all knew that I was cyber bullied by Dominick Fix-Gonzalez and that this was an ongoing thing as soon as I found out Dominick Fix-Gonzalez was responsible for altering and posting the racist picture of me on his Instagram account along with the racial remarks he made following the post. (see attached racist picture posted on Instagram by Dominick Fix-Gonzalez)

2) Discrimination, medical false claim, fraud, negligence and intentional infliction of physical/emotional pain and suffering. Dave Johnstone, Sarah Taylor, Mark Pothoff (falsifying my testimony from my interview on Sept, 2015- sept. 18, 2015, in order for Dominick Fix-Gonzalez to not be suspended from school or kicked of the football for the cyber bullying incident(Aug. 27th, 2015 and shielding Gregg Boughton from his role in refusing me treatment starting Aug. 20th 2015 for my injury and helping cover up my injury, by making up a fake x-ray and a Dr. that apparently treated me and agreeing that I wasn't hurt so that Gregg Boughton wouldn't get in trouble and the school would save money on insurance by not paying for my medical bills. Mark Pothoff also left out and added in false information during his investigation so that both Dominick Fix-Gonzalez and Gregg Boughton would not be found guilty of any wrong doing. Which lead to my injury not being treated, Dominick not being suspended or kicked out of school, along with not disciplining all the people involved. Craig Taylor (Director of Athletics) Craig has been taunting me with my injury since 2/23/2016 - 8/15/2016 when I asked him to get the school and their insurance, AIG to pay for my injury and he told me to get over it, they are not going to pay for anything and there is nothing I can do about it, he threatened me with how they have the best lawyers in the world and they can make this incident disappear, he w ignore my calls or send me to voice mail when I called and never retuned my e-mails. He would pick and choose what to respond to and when. (See attached transcripts of the investigation from sept.9/2015 and decision from sept.18)

3) Medical fraud, negligence and refusal of treatment that resulted in Physical pain/ suffering, personal injury and disability, Physical pain/ suffering personal injury and disability to me: Chris Casey (defendant) gave the orders that no one is to go to the Doctor's or dismiss themselves from practice unless Gregg Boughton or himself approves. He stated that we(the players) didn't know the difference between a boo boo and an injury and that we were faking injuries to skip practice, which gave Gregg Boughton even more power to use his own discretion and judgment in treating players instead of listening to the players or treating the injuries the players reports to him. Gregg Boughton Athletic Trainer (defendant) I saw Gregg Boughton for my thumb injury on the Aug.20th 2015, after practice and I told him I think I broke my thumb and I needed to go see a doctor, and he told me my thumb doesn't look broken it's just jammed, I should give it a few days, a few days later when I was getting treatment before practice, I asked again if I could go see a doctor I was once again told no and that I needed to toughed up and stop whining. A few days goes by and my hand keeps getting worst and I go to Gregg Boughton one more time and ask to go see the doctor and "he told me to my injury is not significant enough for him to dismiss me from practice to go to the doctor, and that I needed to suck it up and play through it, its football, I'm going to need to play through it". My hand kept getting worse so I went to the doctor on 9/2/2015 and I got an X-ray done which showed that my thumb was fractured and had major swelling in my MP joint of my thumb, I was put in a cast and my season was over. The school later did an investigation on it along with the cyber bullying incident and Gregg Boughton, lied that he didn't refuse me treatment and that my thumb didn't appear to be hurt, he then went to visit Thomas Joseph Cory, MD, with lead from Sarah Taylor after the investigation and came up with a fake X-ray that showed no injury or fracture to my thumb, and Thomas Joseph Cory, MD also signed off on it and also claimed that he examined my thumb and there was nothing wrong with it. I have never met Thomas Joseph Cory, MD. I don't know what he looks like and had no written or verbal consent to obtain my health records and share them with anyone. Gorge Fox Used this information as the bases for not treating my injury, even though they have known all along that I was hurt and that I needed treatment since 8/20/2015. I have asked them and their insurance AIG countless times and they have refused to pay for my treatment. As a result my injury got worse, I have suffered the most horrifying pain of my life these last 13 months waiting on surgery, by the time I got surgery done, I didn't have a ligament left in my injured thumb for reattachment, the Surgeon who did my surgery had to take out my palmaris longus tendon and fully reconstruct my thumb. Had I been treated when I first asked to go see the Doctor on 8/20/2015 and the school (administrative staff) and Gregg Boughton, Sarah Taylor, Dr. Thomas Croy MD didn't cover up my injury, I would have not had to endure the pain I have endured in the last 13 months, Lose my tendon, and football career along with the income I lost not being able to work the last 16 months. (See attached my medical records from the doctors I saw, pictures of my injury pre and post-surgery and notes sent to Craig Taylor (Director of Athletics) and AIG asking them to pay for my treatment. These are a few of many along with emails and phone calls to both).

4) Racial discrimination and hatred: was a motive in my refusal of treatment by the athletic trainer Gregg Boughton and the university. There were a lot of whit football players and players that the coaches and athletic trainer Gregg Boughton liked who got treated right away after their injuries or given time off from practice due to injury that had a great outcome from their injury and were able to keep playing football after, given the cyber bullying and verbal racial harassment by Dominick Fix-Gonzalez and what he said and did to my skin color in my picture, and how I was treated by the university staff and coaches, discrimination based on my skin color and race were the biggest factors. (There were a lot of white football players that got hurt and treated right away, let out of practice to go see a doctor or given days of from practice due to injury I can give names when needed)

5) Wrongful Disclosure of Individually Identifiable Health Information(HIPAA Violations)

Sarah Taylor, sharing my x-ray results with Gregg Boughton, and Gregg Boughton sharing my private health information with Thomas Joseph Cory, MD without m written or verbal consent.

6) Breach of contract: I have a binding contract with George Fox University that states if I ever get hurt while participating in team related activates supervised by a school staff they would pay for all my medical bills. They have refused to pay for my medical expenses this far. From 9/2- present

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Punitive money damages : \$40 million from George fox university and+ medical expenses and \$ 30 million from Dr. Thomas Croy MD and PROVIDENCE MEDICAL GROUP for a combined total of \$ 70 million. \$40 million from George Fox University+ my medical expenses had they not ended my football career due to their negligence in the treatment of my injury, the is the amount of money I would be making in a 6-8 year NFL career as a Defensive End or Outside Linebacker.

Loss of income: I have also not been able to work due to my injured thumb from September 2015- mid April 2016 December 19, 2016- present (June 27, 2017) if I were working making the average salary I have been getting paid as a personal trainer/sports performance coach (\$25-\$35 hour) I would have been able to make \$ 89,600 in the time I missed from work due to my injury. That's money I want paid to me

Living expenses: I have spent roughly \$ 36,000 on living expense since my injury; I have had to take out big loans from school in order to be able to survive without working. That's money that I want paid back to me. In order to stay in football shape, I have spent a lot of money on food, camps, training and supplements through the years and given up a lot of opportunities in order to be able to live out my dreams of playing pro football, which I don't get to do now.

\$ 30 million from Dr. Thomas Croy MD and PROVIDENCE MEDICAL GROUP. For his role in Fraud and falsifying my x-ray and medical records so that his clients George fox university would not have to pay for my medical expense living me permanently unable to play football and causing a lot of pain and suffering in my life as a result.

Other relief the plaintiff asks the court to order:

I would like the court to strip Gregg Boughton of his Athletic Training License and EMT-B and (serve the maximum prison time possible) , Dr. Thomas Croy MD, stripped of his License to practice medicine(serve the maximum prison time possible for his action). I want Dominick Fix-Gonzalez suspended and kicked of the football team. I also want the following staff and coaches fired from their jobs and banned

from coaching/ teaching at any university: John Bates, Ian Sanders, Gabe Haberly, Craig Taylor, Dave Johnstone, Mark Pothoff, Sarah Taylor and Chris Casey.


V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: June 29 2017

Signature of Plaintiff 

Printed Name of Plaintiff

Samuel Wani

B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Street Address _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____